

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BLAINE WILMOTTE and MADISON
WILMOTTE,

Plaintiffs,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK,

Defendant.

DALE SKYLLINGSTAD, individually,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK,

Defendant.

AARON HARRIS, individually,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK,

Defendant.

Case No. 2:18-cv-00086-BHS

**AGREED NEUTRAL STATEMENT
OF THE CASE**

AGREED NEUTRAL STATEMENT OF THE CASE- 1

019188.0392/7755200.1

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1 This case involves claims for personal injury and other damages arising out of the
 2 December 18, 2017 derailment of Amtrak Cascades Train 501 near DuPont, WA. Plaintiffs
 3 Aaron Harris, Dale Skyllingstad, and Blaine and Madison Wilmotte allege that they suffered
 4 injuries and other damages as a result of that derailment. Plaintiffs Aaron Harris and Dale
 5 Skyllingstad were passengers on the train and Blaine Wilmotte was riding in a pick-up truck on
 6 Interstate 5 when the vehicle was struck by a railcar. Plaintiff Madison Wilmotte is Blaine
 7 Wilmotte's wife and alleges a loss of consortium claim. Plaintiffs Aaron Harris and Dale
 8 Skyllingstad also allege that Defendant Amtrak was in violation of the Washington Consumer
 9 Protection Act. Defendant Amtrak has admitted its liability for negligence and for the personal
 10 injuries sustained by the Plaintiffs, but disputes the application or any violation of the
 11 Washington Consumer Protection Act.
 12

13 DATED this 15th day of August, 2019.
 14

15 LUVERA LAW FIRM

16 /s/Robert N. Gellatly

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 18 David M. Beninger
 19 Andrew Hoyal

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22 Kevin P. Durkin (Limited Admission Pursuant to
 23 APR 8(b))

Sean P. Driscoll (Limited Admission Pursuant to
 24 APR 8(b))

Kristofer S. Riddle (Limited Admission Pursuant
 25 to APR 8(b))

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27 AGREED NEUTRAL STATEMENT OF THE CASE- 2

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AGREED NEUTRAL STATEMENT OF THE CASE- 3

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CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 15th day of August, 2019, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following persons:

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Executed on the 15th day of August, 2019, at Seattle, Washington.

s/ Alisa R. Flabel
Alisa R. Flabel, Legal Assistant

AGREED NEUTRAL STATEMENT OF THE CASE - 4

019188.0392/7733547.1

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